

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRAIG STEPHEN SHIPLEY,

No. C 12-5041 SI (PR)

Petitioner,

**ORDER GRANTING MOTION FOR
EXTENSION OF TIME TO FILE
NOTICE OF APPEAL AND REQUEST
FOR CERTIFICATE OF
APPEALABILITY**

v.

GARY SWARTHOUT, Warden,

Respondent.

Petitioner filed a pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On January 17, 2014, the Court denied Petitioner's petition on the merits and entered judgment. In that same order, pursuant to the federal rules, the Court denied a certificate of appealability.

On February 3, 2014, Petitioner filed a letter requesting assistance "in attaining an extension to [f]ile a certificate of appealability in the Ninth Circuit of Appeals" because he was recently transferred to another institution and has limited library access. (Docket No. 20.) The Court construes this letter as a motion for an extension of time to file a notice of appeal ("NOA"). See Fed. R. App. P. 4(a)(1). Federal Rule of Appellate Procedure 4(a)(5) allows a party to move for an extension of time if the party so moves within thirty days of the expiration of the time to file the notice, and shows excusable neglect or good cause. Good cause being shown, the Court GRANTS Petitioner's motion for extension of time to file an NOA. Petitioner shall file an NOA and a motion for a certificate of appealability with the Ninth Circuit **no later than March 18, 2014.**

IT IS SO ORDERED.

DATED: February 11, 2014



SUSAN ILLSTON
United States District Judge